

108. Eighth, intentional infliction of emotional distress. Defendants' conduct has been malicious, extreme and outrageous, with intent to cause, or disregard of a substantial probability of causing, severe emotional distress. These are not just ordinary pieces of wood being copied. These represent not only an embodiment of the plaintiff's lifelong career of artistic design work, but also the means to plaintiff's economic livelihood. Defendant's making wood reproductions of plaintiff's wood hat blocks, representing years of plaintiffs' design work, has caused severe emotional distress. There is a causal connection between defendants' acts of conversion and plaintiffs' injury. In addition to emotional distress, defendant's conversion of plaintiff's blocks has disrupted eleven of her twelve best-selling styles and has caused financial disruption, distress and confusion.

RELIEF SOUGHT

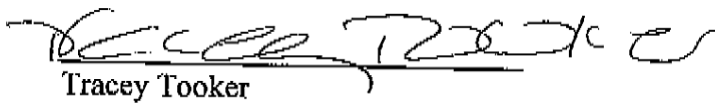
WHEREFORE, plaintiffs demand judgment against the defendants in the form of the following reliefs:

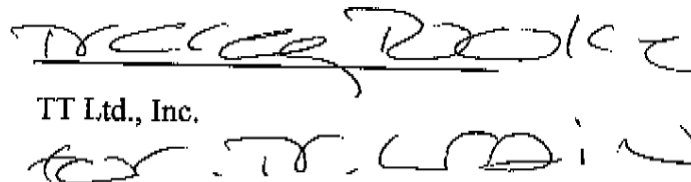
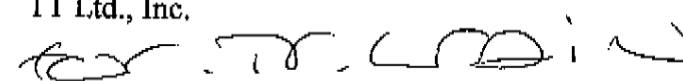
- (1) Specific performance, consisting of the immediate return to plaintiffs of the missing hat blocks and samples; or alternatively, if defendants have lost, damaged, destroyed, sold, or abandoned the blocks or have otherwise deprived plaintiffs of their return, then a sum of money in the amount of their replacement value;
- (2) Injunction against defendants, prohibiting them from manufacturing any more hats using plaintiffs' hat blocks, or samples, or any reproductions of plaintiffs' blocks;

- (3) A disgorgement by defendants of all profits realized from the defendant's sale of hat styles made using plaintiff's hat blocks;
- (4) The immediate turning over to plaintiffs of the wood reproductions that defendants made of plaintiffs' wood blocks;
- (5) Compensatory damages of \$80,000 for the plaintiffs' loss of income from lost hat sales from June 15, 2015 to date, due to the conversion of the wood blocks and plaintiffs' loss of use;
- (6) Compensatory damages of \$15,000 for the cost of labor, raw materials, shipping costs, and rework costs relating to the defective hats, including breach of implied warranty of merchantability and implied warranty of fitness for a particular purpose;
- (7) Compensatory damages of \$100,000 for breach of contract, breach of implied covenants of good faith and fair dealing, breach of fiduciary duty, civil conspiracy, intentional infliction of emotional distress, tortious interference with contractual relationships, unfair competition, copyright infringement, unjust enrichment, and prima facie tort;
- (8) Punitive damages of \$800,000;

- (9) Plus interest from June 15, 2015;
- (10) Plus plaintiffs' attorney's fees, costs and disbursements;
- (11) Together with any other relief the Court finds to be just and proper.

Dated: November 19, 2015


Tracey Tooker


TT Ltd., Inc.


Plaintiffs

Tracey Tooker

18 Mercer Street

New York, NY 10013

561-628-3494

TT Ltd., Inc.

18 Mercer Street

New York, NY 10013

212-906-9965

VERIFICATION

Trace Doko [your name], being

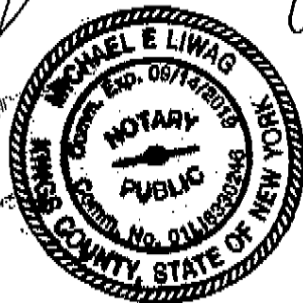
duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof, the same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

Sworn to before me on

17th day of NOVEMBER, 2015

[Signature]
Notary Public



Trace Doko
Sign your name before a Notary

TRACE DOKO
Print your name

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No. 653813 /2015

TRACEY TOOKER, and TT LTD., INC.

Plaintiffs,

-against-

BARBARA WHITWORTH, d/b/a WHITWORTH HATS,
d/b/a WHITWORTH DESIGNS, and CHANDRA
RANSAMIE

Defendants.

**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the

NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: November 19, 2015

Tracey Tooker

TT Ltd., Inc.
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Tracey Tooker

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New York, NY 10013

561-628-3494

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To:

Barbara Whitworth

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Bronxville, NY 10708

917-435-5076

Barbara Whitworth d/b/a/ Whitworth

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New York, NY 10028

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Barbara Whitworth d/b/a Whitworth

Hats

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New York, NY 10028

212-695-1228

Chandra Ransamie

255 West 36th Street

New York, NY 10028

347-426-5606

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No. 653813 /2015

TRACEY TOOKER, and TT LTD., INC.

Plaintiffs,

-against-

BARBARA WHITWORTH, d/b/a WHITWORTH ILATS,
d/b/a WHITWORTH DESIGNS, and CHANDRA
RANSAMIE

Defendants.

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in subsection (c) of § 130-1.1 of the Rules of the Chief Administrator (22NYCRR).


Tracey Tooker

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New York, NY 10013

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Service of the within is hereby admitted:

Dated: November __, 2015